

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

&

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 4TH APRIL 2007 / 14TH CHAITHRA 1929

WA.No. 916 of 2007()

AGAINST THE JUDGEMENT IN WPC.3980/2007 Dated 06/02/2007

.....

APPELLANT: PETITIONER

B.HAIMAVATHY, MANAGER (RETIRED),
DEPARTMENT OF TOURISM, GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM, RESIDING AT 'PREETHI',
MANVILA, KULATHOOR P.O, THIRUVANANTHAPURAM.

BY ADV. SRI.GOPAKUMAR R.THALIYAL

RESPONDENTS: RESPONDENTS

1. THE DIRECTOR,
DEPARTMENT OF TOURISM, PARK VIEW,
THIRUVANANTHAPURAM.
2. STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT, DEPARTMENT OF TOURISM,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.
3. THE ACCOUNTANT GENERAL (A&E),
OFFICE OF THE ACCOUNTANT GENERAL,
THIRUVANANTHAPURAM.

BY GOVT. PLEADER SRI SANDESH RAJA

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION
ON 04/04/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

P.R.RAMAN & ANTONY DOMINIC, JJ.

W.A.NO.916 OF 2007

Dated this the 4th day of April, 2007

JUDGMENT

Raman, J.

This is an appeal filed by the petitioner in W.P.(C).No.3980/2007 impugning the judgment of the learned Single Judge. Petitioner filed a complaint before the Lok Ayukta inter alia seeking for a direction to the respondents to sanction and disburse DCRG as determined by the Accountant General and to set aside the liability certificate quantifying an amount of Rs.89,523/- as liability of the petitioner. It was contended by the petitioner before the learned Single Judge that the respondents did not consider properly the objection raised by him against the fixation of the liability. The learned Single Judge found that it is an aspect of the petitioner which ought to have been contended before the Lok Ayukta. According to the learned counsel for the petitioner, such a contention was, in fact, taken before the Lok Ayukta; but it failed to consider those contentions. Learned Single Judge however held that there is no error warranting interference with the order passed by the Lok Ayukta.

2. We have gone through the order passed by the Lok Ayukta and perused the judgment of the Learned Single Judge. The specific contention

W.A.NO.916/2007

raised by the appellant/petitioner is that her explanation before the 1st respondent was not considered at all before fixing the liability. According to her, the order passed by the Lok Ayukta does not show the consideration of any such contentions. If, as a matter of fact, the petitioner had raised such contentions, which was omitted to be considered by that authority, certainly it is open to the petitioner/appellant to seek review of the order on such ground.

3. In such circumstances, we do not find any error in the judgment rendered by the learned Single Judge for interference and the appeal is dismissed.

4. However, we make it clear that the dismissal of the writ petition and this writ appeal will not stand in the way of the petitioner moving the Lok Ayukta by filing any review petition, and if such a review petition is filed, certainly that Authority will consider the same de hors the dismissal of the writ petition and dispose of the same in accordance with law.

**P . R . RAMAN ,
Judge .**

**ANTONY DOMINIC ,
Judge .**

kcv .